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DAAPHNE E. BARBEE 291 MAR 04 2008
Attorney & Counselor at Law U.S. DISTRICT COURT
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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 04 2008

at 4 o'clock and 59 min P M J
SUE BEITIA, CLERK

ORIGINAL

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RAYMOND WARE,

Plaintiff,

vs.

MICHAEL CHERTOFF, Secretary,
Department of Homeland Security;
JOHN DOES 2-5,

Defendants.

) CIVIL NO. 04-00671 HG/LEK
)
) **PLAINTIFF'S MOTION TO HAVE**
) **WITNESS TESTIFY BY VIDEO OR**
) **TO CONTINUE TRIAL;**
) **DECLARATION OF COUNSEL;**
) **EXHIBIT 1& 2; CERTIFICATE OF**
) **SERVICE**

) **TRIAL DATE: March 11, 2008**

) **TIME: 9:00 a.m.**

) **JUDGE: Hon. Helen Gillmor**

PLAINTIFF'S MOTION TO HAVE WITNESS TESTIFY BY VIDEO
OR TO CONTINUE TRIAL

COMES NOW, Plaintiff RAYMOND WARE, by and through his attorney,

Daphne E. Barbee, and request that this Court allow witness Allen Willey to

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testify by video or to continue the trial date, which is presently scheduled for March 11, 2008, due to his poor health and physician's request .

This motion is based upon the attached declaration of counsel and exhibits and is made pursuant to Federal Rule of Civil Procedure 7 (b) and is made in good faith.

DATED: Honolulu, Hawaii, 3-4-08.

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DAPHNE E. BARBEE
Attorney for Plaintiff RAYMOND WARE